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September 2, 2021

Hon. Jil Mazer-Marino  
U.S. Bankruptcy Court, EDNY  
Conrad B. Duberstein Courthouse  
271-C Cadman Plaza East, Suite 1595  
Brooklyn, New York 11201-1800

Re: Bankruptcy Case No.: 1-18-47256-jmm  
Adversary Proceeding No.: 1-19-01120-jmm  
**The Application of Ultimate Opportunities, LLC**  
**to Vacate the Entry of Default Judgment and Order**  
*(Docket No.: 144)*

Dear Judge Mazer-Marino:

Butler, Fitzgerald, Fiveson & McCarthy, A Professional Corporation represents Plaintiff Mark Frankel as Plan Administrator in the referenced action. We write to respectfully request that the Hearing on the motion to vacate Ultimate Opportunities, LLC's default scheduled for this afternoon at 3:30 p.m. be adjourned.

We understand that, under normal circumstances the Court requires such requests to be made at least one day prior to the hearing date, however David K. Fiveson, the attorney responsible for this matter has encountered an emergency that makes it impossible for him to appear this afternoon. The flooding resulting from yesterday's storm has interrupted both his ability to get into the office (as service on Metro-North has been suspended) and his internet access is out (as he currently has no internet service at his home). Finally in this regard, his cell phone service is unreliable making a telephonic appearance untenable.

Mr. Fiveson has an in-depth knowledge of the facts and circumstances of this matter was planning to attend the hearing. As a result, because he unfortunately cannot attend the appearance scheduled for this afternoon, we make the within application.

In the event the application is granted, and the adjournment is for an extended time, it is hereby requested that Ultimate Opportunities, LLC be directed to pay the Plan Administrator \$9,000.00 for rent due for September 2021.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'CPK', written over a horizontal line.

Christopher P. Kohn, Esq.